

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**HOLMES COUNTY CONSOLIDATED SCHOOL DISTRICT,  
DEBRA POWELL, SUPERINTENDENT, AND  
HOLMES COUNTY CONSOLIDATED SCHOOL DISTRICT  
BOARD OF TRUSTEES, NAMELY LOUISE LEWIS WINTERS,  
BOARD PRESIDENT, EARSIE L. SIMPSON, VICE-PRESIDENT,  
AND ANTHONY ANDERSON**

**PETITIONERS**

**VS.**

**CAUSE NO. 3:21-cv-508-DPJ-FKB**

**MISSISSIPPI DEPARTMENT OF EDUCATION,  
MISSISSIPPI STATE BOARD OF EDUCATION,  
STATE COMMISSION ON SCHOOL ACCREDITATION,  
ROSEMARY AULTMAN, CHAIR OF THE STATE  
BOARD OF EDUCATION, PAMELA MANNERS, CHAIR OF THE  
STATE COMMISSION ON SCHOOL ACCREDITATION,  
DR. CAREY WRIGHT, STATE SUPERINTENDENT  
OF EDUCATION, THE MISSISSIPPI STATE BOARD OF  
EDUCATION AND GOVERNOR JONATHON TATE REEVES**

**RESPONDENTS**

**URGENT AND NECESSITOUS WRIT OF MANDAMUS**

Petitioners respectfully move the Court to enter a Writ of Mandamus, directing the Governor of the State of Mississippi to rescind his August 5, 2021 Proclamation that dissolves the Holmes County Consolidated School District, among other things. The requested relief is necessary to ensure this Court can provide the relief sought in this civil action.

A notice of hearing shall be provided to counsel who appeared for Respondents at the administrative hearings underlying this civil action pursuant to Local Rule 7(b)(8).

In further support of the relief requested, Petitioners state the following:

1. On August 3, 2021, Petitioners filed a Verified Petition for Injunctive Relief, Declaratory Judgment and Complaint for Discovery.

2. Because the petition had not been assigned a case number, Petitioners filed an Urgent and Necessitous Motion for Temporary Restraining Order on the morning of August 5, 2021.

3. Counsel notified known counsel for Respondents of the Emergency Petition and Motion at 10:26 A.M.

4. At 11:58 A.M., the Court directed Petitioners to give notice to Respondent's known counsel, indicated it wanted briefing on the issues raised in the TRO motion, and asked the parties to agree on a briefing schedule.

5. Counsel and a representative for the Attorney General's office agreed on a briefing schedule.

6. At 1:25 P.M., the Governor -- despite the Court's request for briefing -- issued a Proclamation -- which buttresses Petitioners' position they were denied due process -- executed a Proclamation, thereby dissolving the Holmes County Consolidated School District.

7. That Proclamation is a bold attempt to usurp Petitioners' right to challenge unconstitutional actions of Respondents.

8. As set forth in the Verified Petition and TRO Motion, Petitioners have meritorious case against Respondents as evidenced by the Governor's brazen action.

WHEREFORE, Petitioners respectfully an Order pursuant to 28 U.S.C. § 1651 and other law, ordering the Governor to rescind his Proclamation, and take no further action. Petitioner further requests an Order directing Respondents to take no actions pursuant to the Governor's Proclamation.

RESPECTFULLY SUBMITTED, this the 5th day of August, 2021.

/s/ Clarence Webster, III  
Clarence Webster, III (MS Bar No. 102111)  
Michael C. Williams (MS Bar No. 104537)  
Stevie F. Rushing (MS Bar No. 105534)

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day caused the foregoing pleading to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record and registered participants. Counsel will email this filing to known counsel.

THIS, the 5th day of August, 2021.

/s/ Clarence Webster, III  
CLARENCE WEBSTER, III